

Applicant : Philip O. Gerard
Serial No. : 10/042,738
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REMARKS

Reconsideration of the above identified patent application is respectfully requested. Claims 1, 3-7, and 9-19 remain in the application. Claim 14 is amended to overcome the rejection under Section 112. The rejections under Sections 102, 103, and 112 are respectfully traversed.

I. Non-Art Rejections

As previously presented, claims 14 and 18-19 were rejected under 35 U.S.C. 112, second paragraph.

Claim 14 is amended to provide the necessary antecedent basis.

The Examiner asserts that claim 18 is unclear regarding whether Applicant is invoking 35 U.S.C. 112, sixth paragraph in the recitation of the first connector means and the second connector means. Applicant is indeed invoking the cited paragraph, and it is respectfully submitted the claim language fully complies with the statute. Although each connector means requires first and second portions monolithically formed with the frame halves, it is respectfully submitted that such recitations do not negate Applicant's invocation of Section 112, sixth paragraph. Applicants' attorney has carefully reviewed the statute, the rules, the MPEP, and the case law and cannot locate support for a position that the present language renders the Section 112, sixth paragraph invocation unclear. Accordingly, it is respectfully submitted that the Section 112 rejection as applied to claims 18 and 19 is improper and should be withdrawn.

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Further, if the Examiner maintains the rejection, he is respectfully requested to cite authority for his position.

II. Art Rejections

A. Section 102 Rejection

Claims 1, 3-7, 9-12 and 18-19 are rejected under 35 USC 102(b) as being anticipated by U.S. Patent 5,570,548 to Hopper.

Applicant directs the Examiner to the two Responses filed in the parent application (Application No. 09/412,763). Those two Responses are attached as Appendices B and C, and they are incorporated herein. Both Responses specifically address Hopper, and Applicant's attorney believe it is unnecessary to burden the present file history by restating those arguments.

Applicant further directs the Examiner to the Interview Summary for the personal interview on June 20, 2001 (in the parent application) in which the Examiner states that "further defining the first and second connector means being monolithic with the respective first and second halves . . . appears to overcome the prior art of record." Hopper was of record at the time of the interview. Indeed, Hopper was an applied reference in the Official Action that was pending at the time of the interview. Applicant has amended the claims as agreed during the interview, and those amended claims remain pending. Accordingly, the pending Official Action

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appears to be in conflict the Examiner's previously stated position.

B. Section 103 Rejection

Claims 13-17 are rejected under 35 USC 103(a) as being unpatentable over Hopper in view of U.S. Patent 6,272,801 to Suh.

Suh is cited only for its disclosure of barbs and receivers monolithically formed on frame halves. Suh does not in any way supplement the noted inadequacies of Hopper. It therefore is respectfully submitted that the rejection based on Hopper and Suh is improper and should be withdrawn.

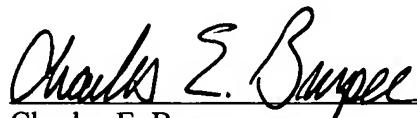
III. Conclusion

In conclusion, it is respectfully submitted that the present application is fully in condition for allowance. A Notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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Appendix B.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Gregory J. Strimbu
Art Unit : 3634
Applicant : Philip O. Gerard
Serial No. : 09/412,763
Filing Date : October 1, 1999
For : WINDOW FRAME WITH BOTH TEMPORARY AND
PERMANENT CONNECTIONS (As Amended)



Commissioner for Patents
Washington, D.C. 20231

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RESPONSE

In response to the Office Action mailed August 29, 2000, the period for response extended by the enclosed Petition For Extension Of Time until December 29, 2000, please amend the above-identified patent application as follows.

In the Title

Delete the current title in its entirety and substitute the following therefor:

WINDOW FRAME WITH BOTH TEMPORARY AND PERMANENT CONNECTIONS

In the Claims

Cancel claim 2.

Amend claims 1, 3, 7, and 18 as follows:

-1- (Amended)

A window frame comprising:

a first frame half;

a second frame half that may be positioned in either a ship orientation or an install orientation with respect to said first frame half;

first connector means for releasably interconnecting said first and second frame

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halves when said second frame half is in [either] the ship orientation [or the install orientation],
said first connector means being integral with at least one of said first and second frame halves;
and

second connector means for securely interconnecting said first and second frame
halves only when said second frame half is in the install orientation.

Claim 3, line 1, after "claim" insert --1--.

-7- (Amended)

A window frame comprising:

a first frame half;

a second frame half;

first connector means integral with a first at least one of said first and second
frame halves for releasably interconnecting said first and second frame halves; and

second connector means integral with a second at least one of said first and
second frame halves for securely interconnecting said first and second frame halves.

-18- (Amended)

A window frame comprising:

a first frame half;

a second frame half having a ship orientation and an install orientation with
respect to said first frame half;

first connector means for releasably interconnecting said first and second frame
halves when the second frame half is in [either] the ship orientation [or the install orientation],
said first connector means including first and second portions integrally formed with said first

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and second frame halves, respectively; and

second connector means for essentially permanently interconnecting said first and second frame halves only when said second frame half is in the install orientation, said second means being inoperative when said second frame half is in the ship orientation, said second connector means including first and second portions integrally formed with said first and second frame halves, respectively.

REMARKS

Reconsideration of the above-identified patent application is respectfully requested. Claims 1 and 3-19 remain in the application. Claims 1, 3, 7, and 18 are amended to more particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Claim 2 is canceled in view of the amendment to claim 1. The rejection under 35 U.S.C. 102(b) is respectfully traversed.

I. Non-Art Objections And Rejections

The Examiner asserts that Fig. 8 is improperly sectioned. Enclosed are two sheets of amended drawings more clearly sectioning Figs. 7 and 8 for plastic. The Examiner's approval of the enclosed drawings is respectfully requested.

The title is amended as suggested by the Examiner.

Claim 1, 3, 7, and 18 are amended to address objections and rejections under 35 U.S.C. 112.

II. Review of the Invention

As defined in independent claims 1 and 18, the present invention is a window frame including (a) two frame halves, (b) a first connection system releasably interconnecting the

frame halves for shipment, and (c) a second connection system permanently interconnecting the frame halves for installation. The first connection system is active when the frame halves are in a first "ship" position, and the second connection system is active *only* when the frame halves are in a second "install" position with respect to each other. Both connections systems are integral with the frame halves.

During manufacture of a window assembly, the frame halves are oriented in the "ship" position (with a glazing panel therebetween), whereupon the first connection system releasably interconnects the frame halves. Because the first connection system is releasable, the frame halves can be readily separated for installation. Because the first connection system is integral with the frame halves, there is not need for separate connectors. At the installation location, the two frame halves are separated and reoriented in the install orientation wherein the second connection system securely or essentially permanently connects the frame halves.

As defined in independent claim 7, the window frame includes (a) two frame halves and (b) two connector means *integral with the frame halves* -- a first connector means for releasably interconnecting the frame halves and a second connector means for securely interconnecting the frame halves.

As defined in independent claim 13, the window frame includes (a) two frame halves having ship and install orientations, (b) a plurality of barbs integral with one of the frame halves, (c) a plurality of receivers integral with the other of the frame halves *and* each receiver receiving one of said barbs *only* when the frame halves are in the install orientation.

III. Art Rejection

As originally presented, claims 1-19 were rejected under 35 U.S.C. §102 as being

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anticipated by U.S. Patent 5,570,548 to Hopper.

Hopper discloses a window sash and an associated method of making a window sash. The unitary frame in Hopper begins as a single extrusion as shown in Fig. 2. During fabrication, the unitary frame is cut in half longitudinally along line A in Fig. 5 to create two frame halves. The frame halves are permanently interconnected by a separate H-shaped connector.

Anticipation can only be established by a single prior art reference that identically discloses each and every element of the claimed invention. Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial. Instead, the reference must show exactly what is claimed. In re Bond, 910 F.2d 831, 15 U.S.P.Q. 2d 1566 (Fed. Cir. 1990); Structural Rubber Prod. Co. v. Park Rubber Co., 749 F.2d 707, 223 U.S.P.Q. 1264 (Fed. Cir. 1984).

Hopper fails to disclose, teach, or suggest several of the concepts included in various combinations in the independent claims. First, Hopper does not disclose two frame halves having "ship" and "install" orientations. Second, Hopper does not disclose two connection means -- a first for releasably connecting the frame halves when in the ship orientation and a second for securely or essentially permanently connecting the frame halves *only* when in the install orientation. Third, Hopper does not disclose connection means or systems integral with the frame halves. In short, Hopper provides absolutely no suggestion of the novel features of the present invention.

With regard to Hopper, he Examiner asserts (a) that barbed flange 38 is a first connector means for releasably interconnecting the frame halves when they are in the ship

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additionally allowable subject matter. Claims 3, 9, 17, and 19 recite that the frame halves (including the integral first and second connection means) are identical to one another. Claims 6 and 12 recite that the releasable connector means includes friction fitting components. Claim 8 recites the dual-orientation feature discussed above in conjunction with independent claims 1, 13, and 17. Claim 15 and 16 recite the releasable connector means discussed above in conjunction with independent claims 1, 7, and 18. It is respectfully submitted that none of these features is disclosed, taught, or suggested by Hopper.

For the foregoing reasons, it is respectfully submitted that Hopper does not anticipate -- and indeed does not disclose, teach, or suggest -- the present invention as defined in the claims. It therefore is further respectfully submitted that the rejection should be withdrawn.

IV. Conclusion

In view of the above amendments and these remarks, applicant respectfully submits that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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Appendix C.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Gregory J. Strimbu
Art Unit : 3634
Applicant : Philip O. Gerard
Serial No. : 09/412,763
Filing Date : October 1, 1999
For :

WINDOW FRAME WITH BOTH TEMPORARY AND
PERMANENT CONNECTIONS

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Commissioner for Patents
Washington, D.C. 20231

RESPONSE

In response to the Office Action mailed March 26, 2001, the period for response being until June 26, 2001, please amend the above-identified patent application as follows:

In the Claims

Please cancel claim 8.

Please rewrite claims 1, 7, 13 and 18 as indicated below. A version marked up to show all the changes relative to the previous revision of the amended claims is at Appendix A.

-1- (Twice Amended)

A window frame comprising:

a first frame half;

a second frame half having a ship orientation and an install orientation with respect to said first frame half, said second frame half being moved between the ship and install orientations by rotating said second frame half within its own plane;

first connector means for releasably interconnecting said first and second frame

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halves when said second frame half is in the ship orientation, said first connector means being integral with said first and second frame halves; and

second connector means for securely interconnecting said first and second frame halves only when said second frame half is in the install orientation said second connector means also being integral with said first and second frame halves.

-7- (Twice Amended)

A window frame comprising:

a first frame half;

a second frame half including a ship orientation and an install orientation with respect to said first frame half, said second frame half being moved between the ship orientation and the install orientation by turning said second frame half within its own plane;

first connector means unitary with said first and second frame halves for releasably interconnecting said first and second frame halves; and

second connector means unitary with said first and second frame halves for securely interconnecting said first and second frame halves, said second connector means operative only when said second frame half is in the install orientation.

-13- (Amended)

A window frame comprising:

a first frame half including a plurality of barbs monolithically formed with said first frame half; and

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a second frame half including a plurality of receivers monolithically formed with said second frame half, said second frame half having both a ship orientation and an install orientation with respect to said first frame half, said second frame half being moved between the ship and install orientations by rotating said second frame half within its own plane, each of said receivers receiving one of said barbs only when said second frame half is in the install orientation to securely interconnect said first and second frame halves.

-18- (Twice Amended)

A window frame comprising:

a first frame half;

a second frame half having a ship orientation and an install orientation with respect to said first frame half, said second frame half being interchangeable between the ship and install orientations by rotating said second frame half within its own plane;

first connector means for releasably interconnecting said first and second frame halves when the second frame half is in the ship orientation, said first connector means including first and second portions monolithically formed with said first and second frame halves, respectively; and

second connector means for essentially permanently interconnecting said first and second frame halves only when said second frame half is in the install orientation, said second connector means being inoperative when said second frame half is in the ship orientation, said

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second connector means including first and second portions monolithically formed with said first and second frame halves, respectively.

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REMARKS

Reconsideration of the above-identified patent application is respectfully requested. Claims 1, 3-7, and 9-19 remain in the application. Claims 1, 7, 13 and 18 are amended as discussed during the recent personal interview to more particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Claim 8 is cancelled, the subject matter thereof being incorporated into claim 7.

I. Interview

Applicant wishes to express his appreciation to Examiner Strimbu for the courtesies extended to Applicant's attorneys during the personal interview on June 20, 2001. Applicant's attorneys proposed amendments to claim 1, which are formerly entered above. As suggested by Examiner Strimbu claims 13 and 18 are amended to replace "integral" with "monolithically formed" to define in another way that the first and second connector means are one with the respective first and second frame halves. Finally, Examiner Strimbu stated that the Title as amended in the previous Response appears to be acceptable.

II. Non-Art Rejections

Claim 1 is amended in view of the rejection under 35 U.S.C. §112. Applicant respectfully submits that amended claim 1 fully complies with §112.

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III. Review of the Invention

As defined in amended independent claims 1, 7 and 18, the present invention is a window frame including (a) two frame halves having a ship orientation and an install orientation relative to one another, (b) a first connection system releasably interconnecting the frame halves for shipment, and (c) a second connection system securely interconnecting the frame halves for installation. The second connection system is operative only when the frame halves are in the install orientation. Both connection systems are "integral", "unitary", or "monolithically formed" with the frame halves. In other words, the connection systems are formed as a one-piece construction, integral with the frame halves, eliminating the need for additional separate connectors.

As defined in independent claim 13, the window frame includes (a) a plurality of barbs monolithically formed with a first frame half, and (b) a plurality of receivers monolithically formed with a second frame half for receiving the barbs only when the second frame half is in an install orientation with respect to the first frame half.

IV. Art Rejection

As previously presented, claims 1, 3-7 and 9-19 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,570,548 to Hopper.

Independent claims 1, 7, 13, and 18 all require that the first and second connector means of the present invention are integral with the first and second frame halves. Applicant respectfully submits that the terms "integral", "unitary", and "monolithically formed" as used in

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the claims means that the first and second connector means are a unitary whole, with the first and second frame halves, and not that the connector means and frame halves are formed of separate components. Hopper includes a separate connection means (i.e. the connection member 80b) that is separate from both the first and second frame halves. Hopper therefore does not teach "integral", "unitary", or "monolithic" connectors as defined in the amended claims.

Claims 1, 7, 13 and 18 also specify one of the frame halves must be rotated within its own plane to move it between the ship and the install orientations. Hopper does not disclose frame halves having ship and install orientations-- let alone movement between the orientations as defined by the claims.

The dependent claims further define Applicant's invention and are allowable for at least the same reasons as are the respective independent claims.

For the foregoing reasons it is respectfully submitted that Hopper does not anticipate -- and indeed does not disclose, teach or suggest -- the present invention as defined in the amended claims. It is therefore respectfully requested that the rejection is improper and/or overcome, and therefore should be withdrawn.

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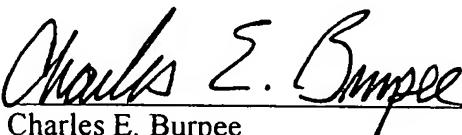
V. Conclusion

In view of the above amendments and these remarks, Applicant respectfully submits that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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